

Local, and Tribal Governments: Leo Lex (225-3220); and Impact on the Private Sector: Meena Fernandes (225-2593).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CBO ESTIMATE ON S. 1172

Mr. GREGG. Mr. President, on March 18, 2004, I filed Report 108-245 to accompany S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes. At the time the report was filed, the estimates by the Congressional Budget Office were not available. I ask unanimous consent that a complete copy of the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 23, 2004.

Hon. JUDD GREGG,
Chairman, Committee on Health, Education,
Labor, and Pensions, U.S. Senate, Wash-
ington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1172, the Improved Nutrition and Physical Activity Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeanne De Sa, who can be reached at 226-9010.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 1172—Improved Nutrition and Physical Activity Act (IMPACT)

Summary: S. 1172 would amend the Public Health Service Act (PHSA) to reauthorize and expand a Centers for Disease Control and Prevention (CDC) grant program that provides funding to state and local governments to plan and implement programs that would increase childhood physical activity and improve nutrition. The act would authorize the appropriation of \$60 million in fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 for that purpose. The act also would reauthorize a CDC training program for health professionals to treat obesity and eating disorders and would permit the agency to make extramural training grants. The act would authorize the appropriation of such sums as may be necessary for fiscal years 2006 and 2007 for that purpose.

S. 1172 also would allow the Department of Health and Human Services (HHS) to give special consideration to obesity-related conditions in an existing grant program for health profession students and require the department to submit reports to the Congress about children and obesity. Other provisions of the act would permit CDC's National Center for Health Statistics to collect and analyze data on children's fitness levels and specify that allotments under CDC's Preventive Health Services Block Grant may be used for activities and education programs to prevent obesity and eating disorders and promote healthy eating behaviors.

CBO estimates that implementing the physical activity and nutrition grant provision of S. 1172 would cost \$3 million in 2004 and a total of \$199 million from 2004 through 2009, if inflation adjustments are included and assuming appropriations of authorized

amounts. CBO estimates that the report-writing requirements would require \$1 million to implement in 2005, assuming appropriations of the necessary amount. CBO estimates that other provision of the bill would not have a significant effect on spending. Enacting S. 1172 would not affect direct spending or receipts.

S. 1172 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State, local, and tribal governments may benefit from the grant provisions of the bill, and none of the bill's provisions would compel them to take any action.

Estimated cost to the Federal Government: The estimated cost to implement S. 1172 is shown in the following table and assumes enactment of the bill by July 1, 2003. The costs of this legislation fall within budget function 550 (health).

	By fiscal year, in millions of dollars—					
	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Estimated Authorization Level ¹	45	46	0	0	0	0
Estimated Outlays	14	34	28	10	3	1
Proposed Changes for Grant Program:						
Estimated Authorization Level ..	15	15	62	63	64	0
Estimated Outlays ²	3	13	30	51	60	42
Proposed Changes for Other Activities:						
Estimated Authorization Level ..	0	1	0	0	0	0
Estimated Outlays ²	0	1	0	0	0	0
Spending Under S. 1172:						
Estimated Authorization Level ..	60	62	62	63	64	0
Estimated Outlays	17	48	58	61	63	43

¹ The 2004 level is the amount appropriated for that year for Centers for Disease Control and Prevention for activities related to prevention and treatment of obesity and promotion of physical activity and nutrition. The 2005 amount reflects adjustments for anticipated inflation.

² Including adjustments for anticipated inflation, the estimated outlay changes would total \$200 million over the 2004-2008 period. Without such adjustments, the five-year total would be \$190 million.

Basis for estimate: The PHSA currently authorizes such sums as may be necessary through 2005 for CDC to administer grant programs to promote childhood nutrition and physical activity and to educate and train health professionals in dealing with obesity or eating disorders. CDC also conducts prevention research and collects data on obesity and levels of physical activity. In 2004, \$45 million was appropriated for those activities, an increase of \$11 million over the 2003 level. Almost all of the funding is directed toward the childhood nutrition and physical activity grant program, which currently is limited to state and local governments. Under current law, CBO estimates that spending from the authorized funding for 2004 and 2005 for obesity-related activities at CDC will be \$91 million over the 2004-2009 period.

S. 1172 would authorize the appropriation of \$60 million in fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 for CDC to administer grant programs for the promotion of nutrition and fitness for children, and for the expansion of the types of entities eligible to receive grants. Under the act, entities such as community-based organizations, educational institutions, and other groups deemed appropriate by the Secretary also would be eligible to receive grants. As specified in the act, grant funds could be used for a range of activities, such as increasing opportunities for biking, promotion of healthy eating in the workplace, and establishing incentives for groceries to offer nutritional foods. Based on historical spending patterns for similar activities at CDC and assuming enactment by July 1, 2003, CBO estimates that implementing the act would cost \$17 million in 2004 and \$290 million over the 2004-2009 period, assuming appropriation of the authorized amounts. The proposed changes would add \$199 million (relative to authorized

spending under current law) over the 2004-2009 period.

Requirements for HHS to submit reports to Congress would require about \$1 million in additional resources to implement in 2005, CBO estimates.

The act also would reauthorize a CDC training program for health professionals to treat obesity and would authorize such sums as may be necessary for fiscal years 2006-2007 for that purpose. Based on discussions with the agency about the cost of training activities in this area, CBO estimates that this provision would not have a significant budgetary effect.

The other provisions of S. 1172 would allow HHS to give special consideration to obesity-related conditions in certain grants and research and would not require additional resources. CBO estimates that those provisions would not have a budgetary effect.

Intergovernmental and private-sector impact: S. 1172 contains no intergovernmental or private-sector mandates as defined in UMRA. State, local, and tribal governments may benefit from the grant provisions of the bill, and none of the bill's provisions would compel them to take any action.

Estimate prepared by: Federal Cost: Jeanne De Sa (226-9010); Impact on State and Local Governments: Leo Lex (225-3220); and Impact on the Private Sector: Samuel Kina (226-2666).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Muncie, IN, Brian Worden attacked another man viciously with a tire iron because he believed the man was gay.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MESSAGE FROM THE HOUSE

At 5:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 958. An act to authorize certain hydrographic services programs, to name a cove in Alaska in honor of the late Able Bodied Seaman Eric Steiner Koss, and for other purposes.

H.R. 2408. An act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

The message also announced that pursuant to section 211 of the Older

Americans Act Amendments of 2000 (42 U.S.C. 3001 note), and the order of the House of December 8, 2003, the Speaker appoints the following Members on the part of the House of Representatives to the policy committee of the White House Conference on Aging: Mr. E. CLAY SHAW, Jr. of Fort Lauderdale, Florida. Mr. HOWARD P. (BUCK) MCKEON of Santa Clarita, California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 958. An act to authorize certain hydrographic services programs, to name a cove in Alaska in honor of the late Able Bodied Seaman Eric Steiner Koss, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2408. An act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges and for other purposes; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6727. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Exclusion of Qualified Automobile Demonstration Use; Taxation of Non-qualified Demonstration Automobile Use" (Rev. Proc. 2001-56) received on March 16, 2004; to the Committee on Finance.

EC-6728. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Clarification of the Conformity Election" (Rev. Rul. 2001-59) received on March 16, 2004; to the Committee on Finance.

EC-6729. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "New Markets Tax Credit Amendments" (TD9116) received on March 16, 2004; to the Committee on Finance.

EC-6730. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "2004 Census Count" (Notice 2004-21) received on March 16, 2004; to the Committee on Finance.

EC-6731. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores — January 2004" (Rev. Rul. 2004-35) received on March 16, 2004; to the Committee on Finance.

EC-6732. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group" (RIN1545-BC96) received on March 16, 2004; to the Committee on Finance.

EC-6733. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's March 2004 Report to Congress; to the Committee on Finance.

EC-6734. A communication from the Director, Office of National Drug Control Policy,

Executive Office of the President, transmitting, pursuant to law, the Plan Colombia/Andean Ridge Counterdrug Initiative Semi-Annual Obligation Report; to the Committee on Foreign Relations.

EC-6735. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to various conditions in Bosnia-Herzegovina; to the Committee on Foreign Relations.

EC-6736. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-6737. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC-6738. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: United States Munitions List" (RIN1400-ZA06) received on March 16, 2004; to the Committee on Foreign Relations.

EC-6739. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Country Reports on Human Rights Practices for 2003; to the Committee on Foreign Relations.

EC-6740. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC-6741. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC-6742. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the export of small arms to Iraq for use of private security; to the Committee on Foreign Relations.

EC-6743. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's report under the Government in Sunshine Act for calendar year 2003; to the Committee on Governmental Affairs.

EC-6744. A communication from the Director, Office of Employment Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Recruitment and Selection Through Competitive Examination" (RIN3206-AJ52) received on March 16, 2004; to the Committee on Governmental Affairs.

EC-6745. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Annual Report for fiscal year 2001; to the Committee on Governmental Affairs.

EC-6746. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2002; to the Committee on Governmental Affairs.

EC-6747. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Energy for the period ending March 31, 2002; to the Committee on Governmental Affairs.

EC-6748. A communication from the Special Counsel, United States Office of Special Counsel, transmitting, a draft of proposed legislation to extend the authorization of appropriations for the Office for fiscal years 2003 through 2007; to the Committee on Governmental Affairs.

EC-6749. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Governmental Affairs.

EC-6750. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Family Violence Prevention and Services Act Program; to the Committee on Health, Education, Labor, and Pensions.

EC-6751. A communication from the Personnel Management Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a designation of acting officer, nomination, and nomination confirmed for the position of Assistant Secretary for Public Affairs, Department of Labor, received on March 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6752. A communication from the Personnel Management Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Disability Employment Policy, Department of Labor, received on March 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6753. A communication from the Personnel Management Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a designation of acting officer, nomination, and nomination confirmed for the position of Assistant Secretary for Employment Standards, Department of Labor, received on March 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6754. A communication from the Personnel Management Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Chief Financial Officer, Department of Labor, received on March 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6755. A communication from the Personnel Management Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Commissioner of Labor Statistics, Department of Labor, received on March 16, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6756. A communication from the Director, Department of Health and Human Services, transmitting, pursuant to law, the National Healthcare Disparities Report; to the Committee on Health, Education, Labor, and Pensions.

EC-6757. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Centers for Medicare and Medicaid Services' success in reducing the costs and burden of encounter data to Medicare+Choice organizations; to the Committee on Health, Education, Labor, and Pensions.

EC-6758. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to clinical preventive services for older Americans; to the Committee on Health, Education, Labor, and Pensions.